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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,448	02/25/2004	Satoshi Ajiki	04109 /LH	5645

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EXAMINER

GUPTA, PARUL H

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,448	<b>Applicant(s)</b> AJIKI ET AL.	
	<b>Examiner</b> Parul Gupta	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/25/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-10 are pending for examination as interpreted by the examiner. The IDS filed on 2/25/04 was considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Best et al., US Patent 5,446,723.

Regarding claim 1, Best et al. discloses in figure 4 and column 8, lines 22-37 an optical pickup in which a laser beam emitted or radiated from a semiconductor laser (200) is converged through an optical system to be focused on a signal recording surface of an optical disk (12) and a return beam (220) from the signal recording surface is detected through the optical system by a photodetector (207), the optical system comprising: a reflecting mirror (208); and a beam splitter (205); at least one of the reflecting mirror and the beam splitter comprising: a base member (212); and a film member (90) attached to the base member to introduce a phase difference between an incident laser beam and an outgoing beam (column 5, lines 1-13).

Regarding claim 2, Best et al. discloses in figures 2A and 2B the optical pickup according to claim 1, wherein the film member comprises a plurality of layers laminated on the base member.

Regarding claim 3, Best et al. discloses the optical pickup according to claim 2, wherein the layers are different in refractive index from one another (column 5, lines 14-27).

Regarding claim 4, Best et al. discloses the optical pickup according to claim 1, wherein the film member comprises a dielectric film (column 5, lines 1-13).

Regarding claim 5, Best et al. discloses the optical pickup according to claim 1, wherein the film member comprises a metal film (column 5, lines 49-53).

Regarding claim 6, Best et al. discloses the optical pickup according to claim 1, wherein the film member comprises a combination of a dielectric film and a metal film (column 5, lines 1-13 and 49-53).

Regarding claim 7, Best et al. discloses in figures 2A and 2B the optical pickup according to claim 1, wherein the base member (50) is formed by a white sheet glass (column 4, lines 5-8 explain that the substrate of element 50 can be made of glass).

Regarding claim 8, Best et al. discloses the optical pickup according to claim 1, wherein the film member is made of a material selected from  $\text{SiO}_2$ , Si,  $\text{TiO}_2$ , and  $\text{Al}_2\text{O}_3$  (column 5, lines 10-12 explain that mixed oxides are acceptable).

Regarding claim 9, Best et al. discloses the optical pickup according to claim 1, wherein the film member is formed on a surface of the base member by vapor deposition (column 5, lines 31-33).

Regarding claim 10, Best et al. discloses the optical pickup according to claim 1, wherein the film member is formed on a surface of the base member by sputtering (column 5, lines 12-13, 26-27, and 50-53).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 9:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG  
10/2/06

  
ANDREA WELLINGTON  
SUPERVISORY PATENT EXAMINER